

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROGER WHEELER,

Plaintiff,

v.

WASHINGTON STATE *et al.*,

Defendants.

Case No. C05-5765FDB

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court, having reviewed Plaintiff's motion to dismiss, the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The court considers plaintiff's motion as a notice of dismissal pursuant to Fed. R. Civ. P. 41 (a). This action is **DISMISSED WITHOUT PREJUDICE**. Plaintiff must still pay the filing fee in this case.
- (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. Karen L. Strombom.

DATED this 21<sup>st</sup> day of March 2006.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE